

FACT SHEET

Gary D. Preszler, Commissioner

EASEMENTS, PERMITS AND MINERAL LEASES ON SCHOOL TRUST LAND

The Land Department receives requests to cross or use School Trust Land for a variety of purposes. Utility requests are the most common. The Department also leases oil, gas, coal, gravel and scoria deposits. These types of activities may impact the surface lease interest. Paragraph 12 of the surface lease states the following regarding such activities:

12. **EASEMENTS/PERMITS.** This lease is subject to all existing and future coal, oil, natural gas, uranium, gravel, scoria, clay, and other mineral leases and exploration permits covering the land. LESSEE agrees that the holders of such leases or permits may enter upon the land and conduct exploration and mining operations. This lease is further subject to all existing and future easements, rights-of-way, and other servitudes covering the land and LESSEE agrees to honor same. LESSEE shall not be entitled to any compensation by reason of such leases, permits, easements, rights-of-way, or servitudes unless otherwise provided for by LESSOR.

Requests for easements and permits are evaluated by the Land Department and may be approved, denied, or modified. The Land Department also requires reservation of topsoil, erosion control, revegetation with native grasses and temporary fencing for oil well reclamation. Reclaimed areas are generally monitored by Land Department staff until they are stable, revegetated and forage production has been restored. As a courtesy the Land Department notifies the surface lessee via letter of an impending project on the property they are leasing.

The use of School Trust Land for easements, permits or mineral development provides significant income to the School Trust. All payments go directly to the Land Department from the holder of the easement, permit or mineral lease. Some projects provide the surface lessee with a surface damage payment paid by the Land Department. This surface damage payment is determined based on the years remaining on the surface lease, the amount paid for the lease and the acreage disturbed. Any damages to fences or livestock are the responsibility of the company. If you have not been notified of a project in advance, on the School Trust Land you lease, or if you know of any unstable areas caused by past construction on School Trust Land, please contact the Land Department. If you need to request a right-of-way across School Trust Land, please go to our web page at <http://www.land.nd.gov/surface/row/> and submit an on-line application for review.

Questions concerning authorization for a project or reclamation of current or past projects can be directed to Mike Haupt mhaupt@nd.gov or call (701) 328-2800.